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Government
Publications

THE DOMINION OF CANADA
The Department of Railways and Canals

HIGHWAYS BRANCH

CIRCULAR No. 1

The Canada Highways Act

CHAPTER 54, STATUTES 1919

Regulations of the Governor-in-Council under the Act
and
Project Statement Form



OTTAWA
THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1920



The Canada Highways Act.



9-10 GEORGE V.

CHAP. 54.

An Act to encourage the Construction and Improvement of Highways.

[Assented to 7th July, 1919.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Canada Highways Act*. Short title.
2. In this Act and in any regulation made hereunder, unless the context otherwise requires:— Definitions.
 - (a) "highway" includes culverts;
 - (b) "improvement" includes reconstruction but does not include maintenance;
 - (c) "Minister" means the Minister of Railways and Canals;
 - (d) "Province" means any Province of Canada, but does not include the Northwest Territories or the Yukon Territory.
3. (1) For the purpose of constructing and improving highways in Canada the Governor in Council may authorize the payment out of the Consolidated Revenue Fund of Canada of the sum of twenty million dollars during the period of five years from the first day of April, one thousand, nine hundred and nineteen. Grant of twenty millions.
 - (2) Subject to the conditions hereinafter mentioned, such sum shall be allotted and paid as follows:— Mode of allotment.
 - (a) Eighty thousand dollars shall be paid each year to the Government of each province;
 - (b) The remainder of such sum shall be allotted and paid to the Governments of the respective provinces in proportion to the populations of the said provinces respectively, as determined by the latest Federal census of each province.
4. The said payments shall be made subject to the following conditions:— Conditions under which payments will be made.
 - (a) Any highway for which aid is granted shall be constructed or improved, as the case may be, in accordance with the terms of an agreement to be made by the Minister with the Government of the Province. Such agreement must be approved by the Governor in Council and shall contain such provisions as to location, cost, description, specifications, time and method of construction, supervision and other necessary particulars as are essential to protect the public interest. Except for reasons set forth in such Order in Council and except with the consent of both Governments, all expenditure under this Act shall be by tender and contract;
 - (b) The aid to be given in any case shall be forty per cent of the amount which in the opinion of the Minister is the actual, necessary and reasonable cost of the construction or improvement of such highway as the case may be.
5. The Governor in Council may make such regulations, to be published in the *Canada Gazette* as are deemed advisable for giving effect to the objects and purposes of this Act. Regulations.
6. The Minister shall annually lay before Parliament during the first ten days of the session a report of all proceedings under this Act for the last preceding fiscal year, which report shall contain a statement of the moneys expended, the highways with respect to which payments have been made hereunder, and the work done by the several provinces on such highways. Annual report.

REGULATIONS OF THE GOVERNOR IN COUNCIL AS REQUIRED BY SECTION
5 OF THE CANADA HIGHWAYS ACT.

ORDER IN COUNCIL.

AT THE GOVERNMENT HOUSE AT OTTAWA.

Wednesday, the 3rd day of December, 1919.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS "The Canada Highways Act," chapter 54 of the Statutes of Canada, 1919 provides as follows:—

5. "The Governor in Council may make such regulations to be published in the *Canada Gazette* as are deemed advisable for giving effect to the objects and purposes of this Act."

Therefore the Governor General in Council by virtue of the provisions of The Canada Highways Act, 1919, on the recommendation of the Minister of Railways and Canals, and pursuant to the advice of the Honorary Advisory Highway Council and of the Commissioner of Highways, is pleased to make the attached Regulations for giving effect to the objects and purposes of the said Act, and the same are hereby made and established accordingly.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

REGULATIONS.

SECTION 1—WORK TO BE AIDED.

The highways to be aided under the Act shall comprise such main and market roads as have been designated by the Province as hereinafter provided with a view to encouraging production and stimulating trade and commerce, and as shall be approved by the Minister.

SECTION 2—CUSTOMARY HIGHWAY EXPENDITURE TO BE SUPPLEMENTED.

It is understood that the expenditures called for under the Canada Highways Act are intended to supplement the usual amounts granted and devoted to the construction and improvement of its highways by the Province itself.

SECTION 3—METHOD AND FORM OF MAKING APPLICATION—PRELIMINARY PROCEDURE.

Before an agreement is made with respect to any road or roads, there shall be furnished to the Minister by the Provincial Government a statement setting forth a programme for construction or improvement of a system of highways in the Province, from which projects shall be selected. Such statement shall be accompanied by a general map of the proposed programme, bearing the approval of the Provincial Government and the endorsement of the Highways Department thereof. Each Provincial programme shall include, first, roads having greatest local agricultural and commercial importance, and second, roads having both local and general importance, and these programmes shall be so adjusted and arranged that the whole shall be correlated and form, as far as possible, a general system of interprovincial highways. This programme and amendments thereto shall be satisfactory to the Minister, and applications relating to the construction of specific portions thereof shall be made from time to time as provided for in the following section.

SECTION 4—METHOD AND FORM OF MAKING APPLICATION—PROJECT STATEMENT, PLANS SPECIFICATIONS, ESTIMATES, ETC.

Each application for aid shall be embodied in a project statement, on forms which may be had on application to the Commissioner of Highways of the Department of Railways and Canals, which shall contain the following information and exhibits:—

- (a) The purposes the undertaking will serve, and why it is in the public interest;
- (b) The character and extent of traffic, present and prospective on the road;
- (c) How the undertaking relates to the Provincial programme;
- (d) A statement of the type of construction or improvement it is proposed to make, together with a report of the Engineer of the Provincial Highways Department endorsing the adoption of the proposed type and the design thereof as being the most economical and practicable in the public interest, his reasons therefore, and a full explanation of any special or unusual features thereof;
- (e) The administrative control of and responsibility for the undertaking;
- (f) The source and method of procuring the necessary money for the undertaking and the extent to which interested municipalities contribute thereto;
- (g) Plans in standard form to be prescribed by the Minister and in detail following accepted engineering practice, together with a sketch map showing the position of the proposed project on the general programme map of the Province;
- (h) Specifications in standard form to be prescribed by the Minister setting forth the proposed type and method of construction, materials to be used, and other essentials, in such detail as to afford complete knowledge of all steps to be taken in carrying out the project;
- (i) Copies of the form of contract to be used, together with all documents referred to therein or made a part thereof; and
- (j) Estimated cost of the project, giving a schedule of quantities and the estimated cost of each item in detail.

All project statements, plans, specifications, estimates and other papers required in connection with any application of a Province for aid under the Act shall be forwarded to the Commissioner.

SECTION 5—THE AGREEMENT.

When a project statement has been approved by the Minister, an Agreement as provided for in the Act, between the Province and the Minister, shall be executed in triplicate by the Province on a form furnished by the Commissioner.

No payment under the Act shall be made until such agreement has been executed by the Minister, nor shall payment be made for work done prior to such execution unless with the express approval of the Governor in Council which approval shall not be given in connection with work done prior to the coming into force of the Canada Highways Act, or not done in accordance with these regulations.

SECTION 6—TENDERS AND CONTRACTS.

All expenditures shall be made pursuant to tender and contract, except as provided by the Act, and shall be on the basis of unit prices. Tenders shall be called for at least three weeks before the work is to be let and notice of the calling for tenders shall appear in a contractors' or engineering journal as well as in such local newspapers as the Province deems necessary.

SECTION 7—PAYMENTS.

In determining the actual necessary and reasonable cost of any highway for the purpose of fixing the amount to be paid under the Act, the cost of the following shall not be considered as a part thereof:

The cost of right of way and incidental damages, bridges, viaducts, subways, exceptional grade separation, provincial overhead and administrative expenses, the making of surveys, plans, specifications and estimates, or any engineering expenses incident to the project prior to the beginning of actual construction. The cost of culverts having a clear width of opening of not more than twenty (20) feet may be included.

Certified vouchers showing the amounts expended on each section of completed road, also showing the amount, if any, expended on any uncompleted section up to sub-grade at the termination of each fiscal year during the five year period commencing April 1, 1919, shall be submitted to the Commissioner; and when he has certified that the terms and conditions of the agreement, in respect of the plans and specifications annexed thereto, have been carried out as far as relates to such sections, forty (40) per cent of the cost thereof as defined by these regulations, and expressly subject to section five thereof, will, upon authority of the Minister be paid to the Provincial Treasurer, or other person named in the agreement to receive the same.

SECTION 8—RECORDS.

Such records of the tenders submitted, of the cost of the work, of the inspections made, and tests of materials shall be kept by the Province as shall enable the Commissioner

at any time to determine the cost to the Province and the status of the construction work done on any project. These accounts and records, together with all supporting documents, shall be open at all times to the inspection of the Commissioner or his representative, and certified copies thereof shall be furnished at his request.

SECTION 9—INSPECTION.

The supervision of each project by the Provincial Highway Department shall include adequate inspection of work and material by competent engineers throughout the course of construction. To this end, any recommendation of the Minister to the Provincial Government with respect to the necessary technical qualifications and experience of the members of the highway organization will be enforced by such Government.

SECTION 10—MAINTENANCE.

Each Province shall agree that when the roads or highways constructed or improved with Federal aid shall have been accepted as completed, the Province shall maintain or cause the same to be maintained, with all necessary repairs and renewals, so as to preserve the standard of construction of each particular class of completed road or highway.

Province of.....

Project Statement No.....

PROJECT STATEMENT

as required by Regulations (P.C. No. 2438)
for carrying out

The Canada Highways Act, 1919

CHAP. 54

NOTE—All Projects shall be numbered. All
Sections of Projects shall be lettered.
If spaces provided for supplies are not
adequate, use inserted sheets and refer
to the items by number and letter.

PROJECT STATEMENT

As Required by Regulations (P.C. No. 2438) for Carrying out the Canada
Highways Act, 1919.

MINISTER OF RAILWAYS AND CANALS,
OTTAWA, ONT.

Date.....

SIR:—The Province of.....pursuant to the provisions of the Canada Highways Act assented to July 7th, 1919, entitled "An Act to encourage the construction and improvement of Highways," and to the Regulations, P. C. No. 2438, does hereby submit by the.....

.....constituting the Provincial Highways Department of said Province, this Project Statement for the highway herein described, which it is proposed to construct or improve under the provisions of said Act and Regulations, and for which Federal Aid is requested under the provisions of the said Act. The work will be done under the direct supervision of the Provincial Highways Department under the authority of.....in (citing Provincial statutes or resolutions). strict conformity with the provisions of the said Regulations.

1. The name, number, or other designation by which the road is locally known.
2. Located between.....and.....County of.....
3. Points of beginning and ending.....

Note:—In preparing the Project Statement attention is called to Section 4 of the Regulations. In all cases a sketch plan shall accompany statement.

4. Length in miles.....
5. (a) Proposed number of sections of Project.....
- (b) Mileage of each section.....

-(c) Sections which are to be placed under immediate agreement and for which detailed plans, specifications, and estimates are included herewith.

-(d) Sections which are to be later placed under agreement and approximate time when plans, specifications and estimates will be furnished to the Commissioner

Section.....Date.....

Section.....Date.....

Section.....Date.....

Note re Clause 5:—This clause has been framed for the use of those Provinces wishing to put forward what will be a series of connected improvements and of which the information as to details can not conveniently or economically be provided at the present time. The acceptance of such an application by the Minister of Railways and Canals shall not in any way be considered to obligate the Dominion Government to enter into any agreement or agreements until full information as to details regarding the Sections has been received and considered independently on the merits thereof, and unless approved by the Governor in Council; and always subject to sufficient funds being available.

6. Give the facts showing the general conditions along the entire Project and indicate how the proposed improvement is in the public interest.

.....

.....

.....

.....

.....

7. Names of villages, towns and cities on the Project, with their populations.

.....

.....

.....

8. Local traffic, approximate average daily number of:—

- (a) Horse-drawn vehicles.....
- (b) Passenger motor vehicles.....
- (c) Motor trucks.....

Dates of traffic censuses or estimates.....

.....

9. Describe through traffic if any.....

.....

10. Estimate of the probable increase of traffic on this Project resulting from the improvement of the highway system and from other causes during the next three years.

- (a) Horse-drawn traffic.....
- (b) Passenger motor vehicles.....
- (c) Motor trucks.....

11. State the maximum carrying capacity of vehicles for which the improvement should provide.

.....

12. Is the Project part of the System of Roads for the Province heretofore submitted to the Minister.

.....

13. What relative position of importance does the Project bear to the System as a whole?

.....

.....

14. Briefly describe improved roads adjacent or contiguous to the Project.

.....

(Give marks to identify on sketch map).

15. Describe the *present* condition of the travelled way.

(a) Sub-soil.....

(b) Drainage.....

(c) Grading.....

(d) Surfacing.....

16. Describe briefly by Sections the proposed type of construction for this Project as contemplated within the period of five years, in accordance with the Provincial Programme heretofore submitted.

Section.....

.....

Work on this Section will commence.....and,

it is estimated will be completed on or before.....

Section.....

.....

Work on this Section will commence.....and...

it is estimated will be completed on or before.....

Section.....

Work on this Section will commence.....and,

it is estimated will be completed on or before.....

17. Name of administrative body having official control of the responsibility for the Project.

.....

18. From what sources other than Provincial and Federal are funds for this Project to be secured?

.....

.....

.....

19. Cite authority for Provincial funds.....

.....

20. Cite authority for other local funds if any.....

.....

21. Name the Official, Officials or Institution duly authorized to receive Federal funds for this Project.

22. What administrative body is responsible for the maintenance of the highway after improvement?

23. What practical provisions have been or will be made for the maintenance of the highway after improvement?

24. Reconnaissance estimate of the entire Project by Sections:—

Made by.....Date.....

Section.....Project No.....

[illegible]

Length..... Total.....

Cost per mile.....

Section.....

Length.....

Cost per mile.....

Grand Total.....

Total length of Project.....

Average cost per mile of Project.....

This estimate approved by.....

(title).....

For the Province

Is the work of construction to be carried out by Provincial or other administrative forces?

26. State in detail the methods and personnel to be employed for maintaining adequate inspection of work and materials, taking and testing samples, measuring quantities and checking costs, and in general exercising full engineering control during construction on this Project.

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.....

27. List in detail all separate papers, plans, specifications, etc., that are attached to this Project Statement as a part thereof.

.....

.....

28. Additional remarks:.....
-

I am, Sir,

.....

.....

(Official title).
For the Province.

